

Minutes

Tempe Fire and Police Public Safety Personnel Retirement System Boards Joint Meeting November 5, 2015

Minutes of the Tempe Fire and Police Public Safety Personnel Retirement System Boards joint meeting, held on Thursday, November 5, 2015, 2:00 p.m., Tempe City Hall, third floor conference room, 31 E. 5th Street, Tempe, Arizona.

Board Members Present:

Joe Brosius
Don Jongewaard
Kelley McMenemy
Jeff Millen
Mike Scheidt
Dr. Russell Schoeneman

Board Members Absent:

Mark Mitchell, Mayor

City Staff Present:

Renie Broderick, Internal Services Director
Chris Hansen, Risk Manager
Wendy Messina, HR Program Coordinator
Susan Buck, Executive Assistant

Legal Counsel Present:

Cynthia Kelley

Joe Brosius called the meeting to order at 2:00 p.m.

ITEM I – Joint Discussion of the Fire and Police Public Safety Personnel Retirement System Boards

Staff Request for Direction Pertaining to Local Board Procedures

Local Board Secretary Renie Broderick stated that staff has been reviewing the Local Board Procedures and would like to get feedback from the Board on several items, with the intent of bringing a draft revision of the procedures to the Board for review.

Ms. Broderick stated that the procedures will be revised to update Local Board Secretary's job title from "Human Resources Director" to "Internal Services Director", consistent with recent organizational changes at the City of Tempe.

Ms. Broderick noted that staff would like to add verbiage to be consistent with State statute ARS 38-847.N, which requires the local board to approve all expenses paid by the City of Tempe on behalf of the local board, such as fees for the Board's legal counsel or for independent medical exams (IMEs). Staff will supply the Board with quarterly reports of board expenditures for review. All present voiced agreement with adding this item to the procedures and with reviewing expenditures quarterly.

Next, Ms. Broderick discussed the Disability Questionnaire Form P5-LB-A (or P5-LB-T, P5-LB-O or P5-LB-C, dependent upon the type of disability benefits being applied for). The Board currently reads the questions on the top portion of this form out loud and answers them in public session when the Board *approves* a claim for disability benefits. However, the State recently indicated that the Board should be answering these questions in public session for any final decision on a disability claim – for both approvals *and denials* of claims. Staff has been advised that the questions should be reviewed by the Board as an aid to the decision making process. Joe Brosius asked how the Board can answer all of the

questions – sometimes the Board will not know all of the information. Board Legal Counsel Cynthia Kelley stated that the State is asking for an explanation *on the record*. If there is a question that the Board can't answer, there should be an explanation provided on the record; staff can also add a separate letter to the form explaining why the answer to the question is unknown. The questionnaire form is specific to the type of disability being applied for and is required for *any* final decision the Board makes on a disability claim, whether an approval or a denial. Ms. Broderick reiterated the questions are designed to help the Board determine how to decide the claim for benefits. All present verbally agreed with adding this to procedures.

Ms. Broderick suggested adding an item to the procedures to memorialize the existing Board practice of reading the medical board (IME doctor) response to the "three questions" that stipulate the statutory requirements for the specific type of disability applied for (as listed in the PSPRS Retirement Manual, Disability Process Overview, Item 5). All present verbally agreed.

The next item for discussion pertained to the approval of a disability claim. Ms. Broderick stated that staff suggested a revision to the procedures to indicate that the Local Board approval of a disability claim is effective *on the next work day following the meeting*, instead of the existing 45 day period allowed before terminating employment. Jeff Millen stated concerns regarding the impact that would have on when an approved claimant would receive a check and noted that based on PSPRS check processing and the Tempe Local Boards meeting schedules, the claimant would not receive their first payment until the end of the month following their approval. The Board discussed PSPRS payment processing in general. Ms. Kelley noted that some jurisdictions have a deadline and if the claimant does not leave employment within that timeframe, the claim for disability benefits is considered withdrawn. Wendy Messina, HR Program Coordinator, stated that some claimants leave employment right away; some wait until later. Ms. Messina suggested that the wording be revised to indicate that the claimant must terminate employment *no later than the end of the calendar month in which the Board approved the claim*. All present verbally agreed with Ms. Messina's suggested timeframe.

Ms. Broderick moved on to the procedures section that states staff will prepare a list of Members receiving accidental and disability benefits for review by the Board to determine who/if anyone may be required to undergo an annual medical reevaluation via IME; this has apparently never been done here. Ms. Kelley stated that other jurisdictions review such a list about once a year. Some jurisdictions use a sub-committee; some involve the entire Board. Boardmember Brosius indicated that he thought that requirement went away. Ms. Kelley indicated that you do not require it after 20 years. Kelly McMenemy asked for clarification on how frequently the Board could require an IME. Ms. Kelley stated the list is usually provided once a year and you could not require an IME more frequently than that. Ms. Broderick stated that staff is currently compiling a list to provide to the Board for their review. Boardmember Brosius suggested staff provide the list to the Board at the first meeting of the year.

Ms. Broderick stated the next item had to do with clarifying the procedures regarding submission of evidence or documentation by applicants. The existing wording reads "the Claimant must submit...within 10 working days of the Hearing or Rehearing..." Staff would like to revise the wording to "the Claimant must submit...no later than 10 working days prior to the Hearing or Rehearing..." All present verbally agreed with this suggestion.

Ms. Broderick stated this also brought to staff's attention that the submittal deadline stated in the existing procedures was a different timeframe than what staff is using. Staff currently has a very compressed timeframe to turnaround applications submitted to the Board, especially disability applications, and staff would like to propose a change to the submittal deadline to be consistent with the existing, adopted Board procedures.

Susan Buck, Executive Assistant, stated that the current submittal deadline is 6 working days prior to the Board meeting, which only allows staff 1 working day to process last minute submittals to the Board, compile the meeting packets and distribute the meeting packet. Revising that deadline to comply with the existing adopted procedures would extend the submittal deadline to 10 working days previous to the Board meeting date, which would allow an additional 4 working days to process all submittals to the Board. Staff proposes using 2 of those working days as additional processing time for staff and the other 2 working days for the additional time for the Board to review the meeting packet. Boardmember

Brosius asked if this would conflict with State requirements. Ms. Buck noted that the proposed changes were reviewed by the Board's legal counsel and the deadline for submittal to the State is the 10th of the month, which would not be impacted by this change. All present verbally indicated agreement with the proposed changes.

Ms. Kelley stated the Board's 2016 meeting calendar with the proposed revisions to the submittal deadline dates should be submitted to the Board for review at the next meeting, along with the discussed proposed revisions to the Local Board Procedures.

Local Board Calendar – 2016 Schedule

Boardmember Brosius asked if there were any conflicts or concerns with the meeting dates listed on the draft 2016 meeting calendar. No concerns or conflicts were voiced.

Adjournment

Motion to adjourn by Russell Schoeneman; second by Kelly McMenemy. Motion passed unanimously on a voice vote 6-0. The meeting adjourned at 2:15 p.m.

A handwritten signature in black ink, appearing to read "Renie Broderick", written over a horizontal line.

Renie Broderick
Local Board Secretary